

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Competitive Product Prices
Inbound Competitive Multi-Service Agreements with
Foreign Postal Operators
United States Postal Service Contractual Bilateral
Agreement – FY23-2 (MC2010-34)
Negotiated Service Agreement

Docket No. CP2023-75

PUBLIC REPRESENTATIVE COMMENTS ON
POSTAL SERVICE NOTICE OF FILING FUNCTIONALLY
EQUIVALENT INBOUND COMPETITIVE MULTI-SERVICE
AGREEMENT WITH FOREIGN POSTAL OPERATOR – FY23-2

(December 15, 2022)

The Public Representative hereby provides comments pursuant to a Commission notice.¹ In that Notice, the Commission established the above referenced docket to receive comments from interested persons, including the undersigned Public Representative, on a Postal Service notice that it entered into an Inbound Competitive Multi-Service Agreement with Foreign Postal Operator (FPO).² The PS Notice concerns the inbound portions of the competitive multi-product agreement entered into by the Postal Service and an FPO (FPO-USPS Agreement FY23-2).

¹ Notice Initiating Docket(s) for Recent Postal Service Negotiated Service Agreement Filings, December 9, 2022 (Notice).

² Notice of United States Postal Service of Filing Functionally Equivalent Inbound Competitive Multi-Service Agreement with Foreign Postal Operator – FY23-2, December 7, 2022 (PS Notice).

The Postal Service asserts that the FPO-USPS Agreement FY23-2 is functionally equivalent to the baseline agreement filed in Docket No. MC2010-34 because the terms of this agreement are similar in scope and purpose to the terms of the CP2010-95 Agreement and seeks to include the FPO-USPS Agreement FY23-2 within the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 (MC2010-34) product. PS Notice at 2. The FPO-USPS Agreement FY23-2 contains rates for inbound packets. *Id.* at 6. The Postal Service intends for the FPO-USPS Agreement FY23-2 to become effective January 1, 2023 and expire on December 31, 2023.

In support of the FPO-USPS Agreement FY23-2, the Postal Service filed a redacted version of the FPO-USPS Agreement FY23-2, a copy of the certification required under 39 C.F.R. § 3035.105(c)(2) and redacted copies of Governor's Decision 19-1. PS Notice at 4; see *Id.*, Attachments 2-4. The Postal Service also filed redacted supporting workpapers. *Id.* at 5.

The Postal Service asserts that FPO-USPS Agreement FY23-2 is functionally equivalent to the baseline agreement filed in Docket No. CP2010-95 with respect to products and cost characteristics. *Id.* at 7. It asserts that the agreements "share many terms and clauses in common." *Id.* at 3. The Postal Service also identifies articles that "resemble" articles in the baseline agreement, as well as new articles and annexes, and new prices. *Id.* at 7-8.

COMMENTS

The Public Representative has reviewed the materials filed under seal and agrees with the Postal Service that the differences between the instant agreement and the baseline are not substantial, and that the instant agreement is functionally equivalent to the baseline agreement. In addition, the Public Representative finds that the prices in the agreement should generate sufficient revenues to cover cost, and therefore meet the requirements of 39 U.S.C. § 3633(a). Therefore, the Public Representative recommends that the Commission approve FPO-USPS Agreement FY23-2 as a functionally equivalent agreement within the Inbound Competitive Multi-Service Agreements with Foreign Postal Operators product.

The Public Representative respectfully submits the foregoing comments for the Commission's consideration.

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